

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

OLIVER JOHNSON,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:16CV01129 SNLJ
)	
EILEEN RAMEY ¹ ,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on the petition for writ of habeas corpus filed by Petitioner Oliver Johnson. I referred this matter to United States Magistrate Judge Noelle C. Collins, for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On June 19, 2019, Judge Collins filed her recommendation that Johnson's habeas petition should be dismissed. Thereafter, Johnson filed objections thereto.

After careful consideration, I will adopt and sustain the thorough reasoning of Judge Collins and deny Johnson's habeas petition for the reasons stated in the Report and Recommendation dated June 19, 2019. I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a Court could resolve the issues differently, or the issues deserve further proceedings. *Cox v.*

¹ Petitioner is currently incarcerated at the Jefferson City Correctional Center in Jefferson City, Missouri (*See* Doc. 28 at 4). Eileen Ramey is the Warden and proper party respondent. *See* 28 U.S.C. § 2254, Rule 2(a).

Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because Johnson has not made such a showing in this case, I will not issue a certificate of appealability.

Accordingly,

IT IS HEREBY ORDERED that Judge Collin's Report and Recommendation, #31, filed On June 19, 2019 is adopted and sustained in its entirety.

IT IS FURTHER ORDERED that Petitioner 's Petition for Writ of Habeas Corpus, #1, is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability. A separate Judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 7th day of August, 2019.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE